

**City of Selah
Council Minutes**

December 14, 2004

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Jones called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Brian Harris, Jerry Kobes, Pete McNew, Allen Schmid, Herb Schmidt,

Members Excused: Scott Smeback, Keith Larson

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Rick Gutierrez, Police Chief; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; Jeff Hagler, Parks & Recreation Director; Dennis Davison, Community Planner; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Herb Schmidt led the Pledge of Allegiance. Pastor Lowell Welker led the group in prayer. Roll was called.

D. Agenda Changes

Mayor Jones noted the addition of Item M-7 Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Offices for 2005 to the Agenda.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Letter from Michael Weede, Sex Offender Compliance Unit, Arizona Department of Public Safety

Police Chief Rick Gutierrez explained to the Council that his department was notified about a sex offender from Arizona who had been on the run for 2 years and was believed to be in the Selah area. He stated Sergeant Dwarshius and Officer Farrell discovered the suspect's location and made the arrest.

b. Memo from Richard Pingrey, Resolution of the Selah Library Board

H. Proclamations/Announcements

I. Consent Agenda

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: Council Meeting November 23, 2004 and Public Hearing November 4, 2004
- * 2. Approval of Claims & Payroll: Claims check no. 44283 – 44283 for a total of \$589.13, Claims check nos. 44284 – 44387 for a total of \$592,616.32, Payroll check nos. 54972 - 55058 for a total of \$136,305.00 and Payroll check nos. 55059 – 55089 for a total of \$57,570.54.

Councilman Schmid moved to add Resolution M-2 to the Consent Agenda. Councilman Harris seconded. Motion carried.

Mayor Jones read the Consent Agenda.

Councilman Schmidt moved and Councilman Harris seconded to approve the Consent Agenda as amended. By voice vote, the motion passed unanimously.

J. Public Hearings

- 1. Public Hearing on 2005 Budget

Clerk/Treasurer Dale Novobielski outlined the budget process, noting the proposed budget shows expenditures of approximately \$17,300,000 expenditures about half of which is for capital improvement. He stated the proposed budget includes a provision for one additional police officer. He stated the City requested a 1% increase in property taxes, and the Budget includes a 3% increase in water, sewer and garbage rates.

Mayor Jones thanked Dale and the rest of the staff and the Council for their hard work on the budget.

City Attorney Bob Noe addressed Item M-6, explaining the contract for library services ends this year and the annexation vote will not take place until March 2005 creating a lapse between provisions of service. He stated the version proposed by the Yakima Valley Regional Library includes reference to lawsuit. He referred to a "red lined" version in Council Members' packets that excludes the language referring to the lawsuit. He noted that the City's proposed contract is basically the same except the YVRL wants \$30,000 for the first three months of the year, while the City proposal provides for \$24,000 or 3/12ths of amount we paid last year. He continued that the City has no proposal for a contract beyond annexation, while the YVRL wants the City to pay for the rest of the year. He concluded, the City's guarantee to pay the first quarter is consistent with the proposed 2005 Budget, which does not allow payment of full year. He recommended approval of red-lined version.

K. New Business

L. Old Business

M. Resolutions

- * 1. Resolution Calling for a Special Mail Ballot Election in the City of Selah Regarding

Annexation of the City to the Rural Library District #1 of Yakima County, Doing Business as Yakima Valley Regional Library

- * 2. Resolution Adopting the 2003 Yakima County Comprehensive Emergency Management Program and the 2004 Multi-jurisdictional Hazard Mitigation Plan as the Official Emergency Response/Hazards Mitigation Plan for the City of Selah
- * 3. Resolution Authorizing the Mayor To Sign a Contract Renewal Agreement for the Management of Biosolids from the Selah Wastewater Treatment Plant at Cheyne Landfill
- * 4. Resolution Authorizing the Mayor To Sign Addendum No. 1 to the Agreement for Professional Services for Wastewater Treatment Plant Improvements
- * 5. Resolution Authorizing the Mayor To Sign a Technical Assistance Contract with the Yakima Valley Conference of Governments for 2005
- 6. Resolution Authorizing the Mayor To Sign an Agreement between the City of Selah and Yakima Valley Regional Library regarding Library Services and Annexation

Yakima Valley Regional Library Director Monica Weyhe addressed the Council, recommending approval of the YVRL proposal. She stated in November the Council voted to approve annexation, noting her Board met and decided to stay with their original offer, the same one as they have offered to all cities and towns since 2000. She stated if annexation does not pass, library services will be under a different clause of the contract. If annexation does not pass, the library will close March 31, 2005, and YVRL have additional expenses for moving. She stated, "This is it, and we encourage you to accept it."

Jeff Thomas 804 West 5th Avenue, Selah, addressed the Council, noting he spoke with City Supervisor Frank Sweet who seemed to be okay with what leads up to annexation vote, but said it amounts to double taxation. He asked for clarification.

City Supervisor Frank Sweet stated he has heard it from Yakima County Assessor Dave Cook, from Municipal Research Attorney Judy Cox, from Department of Revenue Property Tax Administrator Harold Smith that it would be a double taxation, but he was unable to explain it to Mr. Thomas.

Monica Weyhe stated she has also talked to the Assessor's office as well as having experience with five other annexations, and it is not an issue of double taxation. She stated that regardless of when the assessment begins, the Regional Library does not receive payment and residents do not pay until the following year, which in this case would be April or May of 2006.

Mayor Jones stated taxes go up for residents as soon as the vote is certified. Clerk/Treasurer Dale Novobielski stated as soon as the vote is certified, the City residents become patrons of the Regional Library, have the ability to obtain a Regional Library card and are a part of the Regional Library system.

Ms. Weyhe said that is not true, that if they weren't already under contract with the YVRL it wouldn't happen until 2006. She continued to talk as Frank Sweet asserted the law states the annexation is certified that group becomes a part of the Regional Library group. Ms. Weyhe continued to assert that the money is neither paid nor received by the YVRL until the following year.

City Attorney Bob Noe stated the taxes are not paid until 2006, but citizens are taxed and the assessment begins immediately. Ms. Weyhe insisted there is no double taxation.

Councilman Allen Schmid stated people are assessed immediately at certification and become a part of the Regional Library system and at that point in time their property is assessed at 49½ ¢ per thousand. He stated citizens pay property taxes twice a year, and when it comes in it is predicated on at what point in time you become part of a taxing authority. He said whether the YVRL receives the payment then has nothing to do with the fact that residents are responsible for the tax at the time of certification.

Mayor Jones tried to explain to Ms. Weyhe that if the YVRL is assessing 49½ ¢ per thousand and the City is also assessing .20+¢ per thousand to support a contract with the YVRL, there is indeed double taxation. He further explained that if City pays more than \$30,000 it would need to dip even farther into reserves to balance this budget. He stated there is not enough money, and the City must balance the budget.

City Supervisor Frank Sweet asked Ms. Weyhe if her board told her that they will not forward the annexation ballot to the voters if the City does not agree with the entire package. He asked for clarification, "Is this a 'deal killer'?"

Monica Weyhe said this is all part of the same proposal, this contract is for 2005, and annexation affects 2006 only. "This is our best offer. This is very fair. This is what you've been advised of all along." She said she was not sure if her board will forward the annexation to the voters.

Councilman Allen Schmid asked if Ms. Weyhe was saying that if the annexation passes and is certified and voters become part of the YVRL system, and the City does not pay the other \$32,000, that the citizens of Selah will not have a library.

Monica Weyhe stated the second step is the annexation vote; the first step is 2005 contract. She insisted that the annexation does not take effect until January of 2006. She used the example that Grandview is not annexed and does not pay, if they voted to annex it would begin in January of 2006.

Councilman Schmid said she was not answering his question and asked her if not having a contract for 2005 means it's not going to an annexation vote.

Ms. Weyhe said annexation will be addressed December 23 regardless.

Councilman Jerry Kobes stated the intent of this process is to provide library services to the City of Selah. He noted the question here seems to be when the funding takes place and this needs to be resolved before this comes to a vote.

Monica Weyhe asked if Allen Schmid's question was what happens if we do not have an agreement for 2005, and stated the answer is that the library will close January 1, 2005. She stated on Dec 23, 2004 the YVRL Board will meet to vote on whether to concur with the annexation vote. If they concur and annexation passes, the earliest the library would open would be January of 2006.

Allen Schmid stated he has a serious concern when the Regional Library Board makes a demand on a community to provide a facility and pay for maintenance on that building. He stated this is another way people are double taxed, actually paying more to have access to a building in their town.

Monica Weyhe insisted it is not double taxation, that the library district pays to provide library services, not capital facilities. She said cities find that it is beneficial to them to have a library in their community. She said when a city is annexed, the YVRL negotiates a maintenance agreement and the city provides the building.

Mayor Jones stated the Selah community at-large puts up a total of \$379,000+ for a library.

Monica Weyhe responded that the County is the YVRL's jurisdiction, using a banking analogy where deposits may be greater in one area, but they benefit whole area.

Dale Novobielski stated if annexation passes, it will be more like \$430,000 from the larger community of Selah.

Monica Weyhe stated the YVRL community is the whole valley.

Councilman Herb Schmidt stated he, Jerry Kobes and Pete McNew met with the YVRL Board over a period of three years, and at no time did they espouse a concept that we do not support a library in our community. He stated we do support a library and are willing to put forward a vote on annexation. He stated that all that separates the entities now is a few thousand dollars, and the City budget has to be balanced; we've made cuts in order to do that. He stated we need to move forward providing funding for that portion of the year for which we will have a contract.

Councilman Brian Harris stated the City is willing to pay \$25,000 and YVRL wants us to pay \$60,000, so we're talking about \$35,000. He asked Ms. Weyhe if the YVRL is demanding \$60,000. He explained the Council and staff has cut and cut and the YVRL is telling us they're going to take everything out of the library January 1, 2005. He asked why materials could not remain until the result of the annexation vote is known.

Monica Weyhe responded that without a contract the YVRL will have 30 days after December 31st.

Mayor Jones asked what annexation will net the library.

Monica Weyhe responded it will net approximately \$200,000.

Mayor Jones suggested it will be a windfall, \$430,000 plus \$100,000 new money for the library. Ms. Weyhe interrupted the Mayor to ask if anyone had more questions of her.

Frank Sweet asked Ms. Weyhe if the Council does not approve the YVRL proposal as it is today, the Selah library will be closed January 1, 2005. Ms. Weyhe responded that if a contract is not in place, the library will close January 1.

Richard Pingrey stated the discussion is missing the wishes of the people. He said just because there is an argument between the YVRL and the City, we shouldn't let \$39,000 scuttle the operation of the library. He stated his hope is to include entire larger community in a facilities district to build a new building specifically for the library.

Councilman Schmid stated his agreement with Mr. Pingrey, noting we do not have assurance from the YVRL because of the money issue, but the annexation vote should be put to the people and let the voters

determine what will happen. He said it sounds like if City does not do “a, b, c” then the issue will not get to the people.

Mr. Pingrey stated library service and a facility go hand in hand.

Allen Schmid said he did not want to go out of the meeting with fear “a, b, c” are requirements.

JoAnn Saypik explained her impression that Monica Weyhe was saying the contract would be for January through March, and in March there would be a vote for annexation, which, if approved, would not take effect until January of 2006. She stated the YVRL wants \$60,000 to run the library for the remainder of the 2005 year.

Mayor Jones stated the taxation starts as of the certification of the election; the confusion comes because the tax is not collected until 2006.

Frank Sweet stated this issue has been batted around enough and suggested bringing it back to the Council with a copy of the annexation statute at the next regular Council meeting December 28, five days after the YVRL Board has met to decide whether they will put this issue to a vote of the people. Then the Council will be able to see the statute, understand the process clearly and then take a vote on library services for 2005.

Councilman Schmid moved and Councilman Schmidt seconded to table the Resolution authorizing the Mayor To Sign an Agreement between the City of Selah and the Yakima Valley Regional Library regarding Library Services and Annexation to the December 28 City Council meeting.

Mayor Jones tabled the item and declared a recess at 5:05pm.

At 5:14pm Mayor Jones called the meeting back to order and moved to Item M-7 Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Offices for 2005.

7. Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Offices for 2005

City Supervisor Frank Sweet said it is good deal, same price, let's okay it.

Mayor Jones said he did not get a call back after calling the dispatcher recently.

Police Chief Rick Gutierrez stated he spoke with the Under Sheriff last regarding two cases he dealt with where there were problems.

The Mayor again expressed his displeasure at not receiving a call back after his call to dispatch.

Councilman Schmidt stated this is not the first time this issue has come up.

Councilman McNew suggested the Mayor and Frank meet with Sheriff regarding problems.

Chief Gutierrez said there are some bugs that need to be worked out.

Councilman McNew moved and Councilman Schmid seconded to approve the Resolution Authorizing the Mayor To Sign a Communications Services Agreement with the Yakima County Sheriff's Office for 2005. Roll was called. Motion passed unanimously.

N. Ordinances

Councilman Schmid asked the City Attorney if he had reviewed these ordinances.

Mr. Noe said he had reviewed them and made suggestions which have been incorporated into the documents. He recommended approval.

Councilman Schmid moved to authorize the Mayor to sign Ordinances N-1, N-2, N-3, N-4, N-5, N-6, N-7 and N-8 and adopt the Findings of Fact for N-1, N-2, N-3, N-4, N-5, N-6, N-7 and N-8 implementing changes to the Selah Municipal Code effective January 1, 2005. Councilman Kobes seconded.

Councilman Schmid addressed his motion, making the following statement: Gentlemen, we held a Public Hearing on November 4th to discuss these Ordinances and we unanimously approved them. My motion is to implement what we previously approved. Additionally, I wish to express my appreciation to the staff and present and previous Planning Commission members who have made this major update of the Selah Municipal Code possible. Roll was called. Motion passed unanimously.

1. Ordinance Adopting Selah Municipal Code - Title 10, Chapter 10.02 through 10.48, Including Appendix "A", Zoning Ordinance and the Findings of Fact
2. Ordinance Amending Selah Municipal Code - Title 10, Chapter 10.50 Platting and Subdivision Regulations and Adopting Findings of Fact
3. Ordinance Creating Selah Municipal Code—Chapter 10.54 House Numbering and Adopting Findings of Fact
4. Ordinance Creating Selah Municipal Code - Chapter 10.56 Mobile Home Parks and Adopting Findings of Fact
5. Ordinance Creating Selah Municipal Code - Chapter 10.58 Access Standards for State Route 823 and Adopting Findings of Fact
6. Ordinance Repealing Selah Municipal Code—Title 11, Chapter 11.17 Sign Regulations and Adopting Findings of Fact
7. Ordinance Amending Selah Municipal Code - Title 20 Unified Fee Schedule and Adopting Findings of Fact
8. Ordinance Adopting Selah Municipal Code Title 21, Administrative Procedures

9. Ordinance Adopting the Budget for the City of Selah, Washington for the Fiscal Year Ending December 31, 2005

Mayor Jones wished the Clerk/Treasurer a happy birthday.

Clerk/Treasurer Dale Novobielski addressed the Council, noting the Budget at one time was \$150,000 out of balance, but now is balanced. Mayor Jones praised the Council and Staff for their hard work on the Budget.

Councilman McNew moved and Councilman Schmid seconded to approve the Ordinance Adopting the Budget for the City of Selah, Washington for the Fiscal Year Ending December 31, 2005. Roll was called. Motion passed unanimously.

Councilman Schmid suggested each Council Member bring notebooks back to Dale to recycle.

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental

Dennis Davison reported that he will bring a resolution to the next meeting regarding the SEPA appeal on Eagle Ridge project proposed by CR Johnson and Kimko. He also noted two preliminary plats will go before the Hearing Examiner in January.

Joe Henne reported Public Works is moving along on the waterline project, and they've blasted the reservoir once already. He noted the weather has been cooperating nicely, and this winter is nice for the snow budget.

Rick Gutierrez wished everyone a Merry Christmas.

Councilman Pete McNew commended Community Planner Dennis Davison, noting the fast approval does not devalue the great effort of this project.

Councilman Allen Schmid concurred, noting Dennis had no gray in beard when this project began.

Councilman Jerry Kobes agreed.

Councilman Schmidt asked if the Capital Facilities Committee is set for 29th at 3:30 pm at City Hall.

Councilman Brian Harris noted we are fortunate to live in Selah and should share in programs for the less fortunate. He noted his oldest daughter has her driver's permit. Councilman Kobes reported the Police Department donated recycled, refurbished bikes to the Kiwanis effort. Julie Gray noted City employees have adopted a family through the Salvation Army.

Frank Sweet commended the Council on a good job today, and promised additional information by the next meeting. He stated the YVRL Board will meet December 23 to hopefully approve putting annexation on the ballot in March. He wished all a good, happy, safe Christmas.

Dale Novobielski thanked the Council for their approval of the Budget.

Mayor Jones again wished the Clerk/Treasurer happy birthday and wished everyone a merry Christmas season. He noted he did not mean to get "hot" about the library issue, but remains convinced that the community of Selah is committing \$430,000 for the library. He stated we are considered a "community" by usage, but when it comes to finances, that consideration ends.

Q. Executive Session

R. Adjournment

Council Member McNew moved and Council Member Kobes seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:37pm.

Robert L. Jones, Mayor

Gerald Kobes, Council Member

(Excused)
Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

(Excused)
Scott Smeback, Council Member

Allen Schmid, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer